

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

MERRIE SMITH and JESSICA BROOKE	)	
RUSSELL, individually and on behalf of	)	
others similarly situated,	)	
	)	
Plaintiffs,	)	COLLECTIVE ACTION
	)	
v.	)	No. 1:16-cv-00499-CHS
	)	
JRC VENTURES, INC., JACQUE R.	)	
COLLETT, GRUBB & ASSOCIATES,	)	
INC., and JOSEPH GRUBB,	)	
	)	
Defendants.	)	

**MOTION TO SEVER**

Comes Plaintiff Jessica Brooke Russell, on behalf of herself and all others similarly situated (hereinafter referred to as "Russell"), and moves this Court for an Order, pursuant to Rule 21 of the Federal Rules of Civil Procedure, severing her FLSA causes of action (including a request for collective action) against Defendants Grubb & Associates, Inc. and Joseph Grubb (hereinafter collectively referred to as "Grubb") from the FLSA causes of action (including a request for collective action) asserted by Plaintiff Merrie Smith against Defendants JRC Ventures, Inc. and Jacque R. Collett (hereinafter collectively referred to as "JRC").

After conducting further discovery, Plaintiffs agreed to voluntarily dismiss the Corporate BrightStar Defendants from this lawsuit. (Doc. 104.) As a result, Plaintiffs Smith and Russell now lack the necessary commonality to maintain both parties' claims in one lawsuit. Plaintiff Smith seeks a collective action against JRC while Plaintiff Russell seeks a separate collective action against Grubb. For this reason, Plaintiff Russell requests that the Court sever her claims

against Grubb from Plaintiff Smith's claims against JRC. Of note, Grubb previously filed a motion (Doc. 97) requesting, *inter alia*, that Russell's claims against Grubb be severed.

Respectfully submitted,

BURNETTE, DOBSON & PINCHAK

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

This 8<sup>th</sup> day of October, 2018.

By: s/ Frank P. Pinchak